

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 20, 2007

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

COUNCIL PRESIDENT RENEE M. BERNIER, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

A representative from LYAC updated the Council on their "You Booze, You Lose" campaign and noted at a recent press conference Attorney General Steven Rowe spoke in support of this campaign. The group is planning to work with middle school students to get the word out about the program, have made a 15 minute video, will put information on the website and are planning to make a presentation at a youth conference at L/A College.

VOTE (43-2007)

Motion by Councilor O'Brien, seconded by Councilor Mendros:

To dispense with the reading of the minutes of the February 6, 2007, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

AMENDMENTS TO THE TRAFFIC SCHEDULE

VOTE (44-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

To adopt the proposed amendment to the Traffic Schedule regarding the regulation of parking times for a portion of Lowell Street. Passed - Vote 7-0

VOTE (45-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the proposed amendments to the Traffic Schedule for a portion of Towle Street which would prohibit parking on the odd numbered, southeasterly side of the street from Holland Street to Elm Street. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**VOTE (46-2007)**

Motion by Councilor Jean, seconded by Councilor Paradis:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$1,136.00, or any portion thereof, in the case of the State of Maine vs. Brandy Marie Bechard, CR-07-96 Court Records; the transfer of \$1,032.00, or any portion thereof, in the case of the State of Maine vs. Anthony Robinson, CR-07-72 Court Records, the transfer of \$3,000.00, or any portion thereof, in the case of the State of Maine vs. Luis Andrades, CR-07-146 Court Records and the transfer of \$728.00, or any portion thereof, in the case of the State of Maine vs. Juan Rodriguez, CR-06-1397 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank.

Passed - Vote 7-0

ANNUAL AUTHORIZATION TO POST THE ROADS**VOTE (47-2007)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross vehicle weight of over 23,000 pounds.

From March 1, 2007 to May 1, 2007:

Ferry Road - From Cottage Road to River Road
River Road - From Ferry Road to Solid Waste Facility
Dyer Road - From Lisbon Road to Ferry Road
Pinewoods Road - From Ferry Road to Town Line
Gayton Road - From Lisbon Road to Town Line
Webster Road - From Old Lisbon Road to Crowley Road
Merrill Road - From College Road to Main Street
Sleeper Road - From Merrill Road to Town Line
Randall Road - From Sunrise Lane to Grove Street
Grove Street - From Randall Road to Town Line
Old Greene Road - From North Temple Street to Town Line
No Name Pond Road - From Old Greene Road to Town Line
Pond Road - From Cherrywood Drive to No Name Pond Road

Passed - Vote 7-0

AMENDMENTS TO THE MUNICIPAL PARKING FEES POLICY

VOTE (48-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the proposed amendments to the Parking Fees Policy, Policy Manual Number 42, as recommended by the Finance Director. Passed - Vote 7-0

**ADOPTION OF NEW CITY POLICY REGARDING THE DESIGN AND
CONSTRUCTION OF STREETS AND SIDEWALKS**

VOTE (49-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

To adopt and establish a new City Policy: Policy Number 79 - Policy for the Design and Construction of Streets and Sidewalks. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE
STREETS AND SIDEWALKS ORDINANCE AND LAND USE CODE CONCERNING
STREET DESIGN AND CONSTRUCTION STANDARDS**

Council President Bernier opened the public hearing to receive any input and comments from the public. No members of the public spoke for or against this item. Council President Bernier then closed the hearing. Director of Planning and Code Enforcement Gil Arsenault recommended a minor amendment to the ordinance to clarify information regarding private streets.

VOTE (50-2007)

Motion by Councilor Paradis, seconded by Councilor O'Brien:

To amend section 66-96 by striking out the phrase "private streets and sidewalks servicing up to ten (10) single family dwellings" and inserting the words "and private" between the words "public" and "streets". Passed - Vote 7-0

VOTE (51-2007)

Motion by Councilor Jean, seconded by Councilor O'Brien:

That the proposed amendments to the City Code of Ordinances, Chapter 66 Streets and Sidewalks, Article IV "Design and Improvements" and Appendix A, Article II "Definitions", Article X "Conditional Uses", Article XII "Performance Standards", and Article XIII. "Development Review and Standards", of the City Zoning and Land Use Code, receive final passage by a roll call vote.

Passed - Vote 7-0

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR BARNIE'S BAR & GRILL

Council President Bernier opened the public hearing to receive any input and comments from the public. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (52-2007)

Motion by Councilor Jean, seconded by Councilor O'Brien:

To grant a special amusement permit for dancing and entertainment to Bernie's Bar & Grill, 1065 Sabattus Street. Passed - Vote 7-0

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR THE
GRID IRON RESTAURANT**

Council President Bernier opened the public hearing to receive any input and comments from the public. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (53-2007)

Motion by Councilor Jean, seconded by Councilor Mendros:

To grant a special amusement permit for dancing and entertainment to the Grid Iron Restaurant & Sports Pub, 1567 Lisbon Street. Passed - Vote 7-0

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR THE BLUE ELEPHANT

Council President Bernier opened the public hearing to receive any input and comments from the public. Business owners Aja Stevens-Bell and Ajentha Weerakkody said they have spoken with the Chief of Police regarding his recommendation to deny the renewal of the permit. They reviewed the improvements they have made such as moving the smoking area to the back of the building instead of the front, have hired a security company from Portland to serve as bouncers, are on site to monitor actions and so forth. Chief Welch stated the owners are made upgrades, but it is still not enough, given that 31 arrests have been made since August 2006. He noted there were 8 arrests on Tuesday night and the Lewiston police called Auburn police and the Sheriff's Department to assist with back up. Chief Welch stated the owners of the Blue Elephant allow gang colors to be worn and displayed which contributes to the problem, and other clubs do not allow it. The club owners stated they do ban people who have been a problem in the past. Councilors noted a concern with leaving the rest of the community uncovered with police presence while the officers are taking time to handle problems at this one location and also mentioned the noise complaints issue from residents of Oak Park. Councilor Bernier stated that she and Councilor Rousseau were outside of the club on three weekends from 11:30pm - 2am to watch and observe any problems, and noted patrons consuming alcohol outside of the business.

Council President Bernier then closed the hearing.

VOTE (54-2007)

Motion by Councilor Paradis, seconded by Councilor Samson:

To deny the renewal of the special amusement permit for The Blue Elephant and to instruct city staff to prepare a formal findings of fact document for the March 6 Council meeting, stating the reasons for denial. Passed - Vote 7-0

At this time, Council President Bernier took Other Business out of order.

OTHER BUSINESS

Craig Saddlemire of 27 Spruce Street thanked the Council for taking Other Business out of order at this time. He requested that the Council work to put Maple Street park back in it's original location. He said the Visible Community is interested in working with the City and the newly created Downtown Neighborhood Task Force regarding the re-establishment of the park. Eight other residents of downtown also spoke and requested that Maple Street park be replaced in it's original location, noting it serves the downtown residents well, and requested to be involved with the decision making process. Councilors noted that there is a discussion at Thursday's workshop regarding proposed downtown development in this area and they are aware of the need to replace the park within the downtown area. They also noted the new and future upgrades to Kennedy Park.

Joseph Roy, 9 Venise Avenue, said he came to a Council meeting in January and asked about operations at the Colisee regarding the payment by the Maineiacs for ice time. Mr. Roy then read information from the contract between the Colisee and the hockey team. Staff clarified information for Mr. Roy regarding some of the contract details.

PRESENTATION REGARDING UPCOMING MUNICIPAL BUDGET PREPARATIONS

The City Administrator made a power point presentation to the Council regarding upcoming issues pertaining to the budget preparations such as various federal and state mandates such as CSO, the postponed revaluation from last year and other matters.

**PRESENTATION ON LONG TERM COST CONTAINMENT EFFORTS
REGARDING HEALTH INSURANCE COSTS**

Human Resources Director Denis Jean made a power point presentation to Council regarding the new employee incentive program regarding health insurance. He explained the programs and the results regarding increased employee health and wellness, and the cost savings from the first year with the program.

**AUTHORIZATION TO PROCEED WITH RECOMMENDATIONS IN THE
SOLID WASTE TASK FORCE FINAL REPORT**

Councilor O'Brien inquired about the status of the state's solid waste task force report. It was noted it has not been finalized yet.

VOTE (55-2007)

Motion by Councilor Mendros, seconded by Councilor Jean:

To authorize the City Administrator to proceed with recommendations as presented in the final report from the Solid Waste Task Force. Passed - Vote 7-0

**CONDITIONAL ORDER TO CONDUCT A SPECIAL MUNICIPAL RUN OFF
ELECTION IF NECESSARY**

Councilor Rousseau recused himself from this item.

VOTE (56-2007)

Motion by Councilor O'Brien, seconded by Councilor Jean :

Be It Ordered, on a conditional basis by the City Council, that a Special Municipal Election shall be held on Tuesday, March 27, 2007 for the Office of Mayor, if necessary.

Passed - Vote 6-0-1 (Councilor Rousseau abstained)

VOTE (57-2007)

Motion by Councilor Mendros, seconded by Councilor Paradis:

To allow for a shortened time frame of 28 days for absentee ballots for the special election , if held. Passed - Vote 6-0-1 (Councilor Rousseau abstained)

**AUTHORIZATION FOR EMERGENCY DEMOLITION OF THE SMOKE STACK AT
THE LIBBY MILLPROPERTY**

VOTE (58-2007)

Motion by Councilor Jean, seconded by Councilor Paradis :

Be It Ordered that the City Council authorize the City Administrator to execute the demolition of the smoke stack at the Libby Mill property for an approximate cost of \$12,000, said funds to be appropriated from the funds designated for the Island Point project.

Passed - Vote 6-0 (Councilor Rousseau was out of the room at the time of this vote.)

REPORTS AND UPDATES

No reports and updates were presented at this time.

VOTE (59-2007)

Motion by Councilor Jean, second by Councilor Samson:

To adjourn at 10:12 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine